

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

NING XIANHUA,  
Plaintiff,

v.

OATH HOLDINGS, INC., et al.,  
Defendants.

Case No. 20-cv-06185-HSG

**ORDER OF DISMISSAL**

On March 31, 2022, the Court dismissed Plaintiff's complaint and gave Plaintiff leave to amend within 21 days. Dkt. No. 70 at 8. Plaintiff indicates he will not amend the complaint, and seeks to appeal the Court's dismissal order. Dkt. No. 72.

"If a plaintiff has been given leave to amend its complaint, a further district court determination constituting final judgment must be obtained before an appeal may be brought." *United Nat. Ins. Co. v. R&D Latex Corp.*, 242 F.3d 1102, 1110 (9th Cir. 2001) (quotation omitted) (simplified); *Baldwin v. Sebelius*, 654 F.3d 877, 878 (9th Cir. 2011) ("[A] plaintiff who has been given leave to amend may not file a notice of appeal before entry of a final judgment even when he elects to stand on an unamended pleading[.]"). "[A] plaintiff may obtain an appealable final judgment by 'fil[ing] in writing a notice of intent not to file an amended complaint.'" *Edwards v. Marin Park, Inc.*, 356 F.3d 1058, 1064 (9th Cir. 2004) (quotation omitted).

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1 In light of Plaintiff's notice of intent not to amend, the Court DISMISSES this action with  
2 prejudice under Rule 12(b)(6). The Clerk shall enter judgment in favor of Defendants. Both  
3 parties shall bear their own costs of suit.  
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5 **IT IS SO ORDERED.**

6 Dated: 4/12/2022  
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9 HAYWOOD S. GILLIAM, JR.  
10 United States District Judge  
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